

August 27, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0300254**

GLENN COOK
Code Enforcement Appeal

Location: 10009 – 25th Avenue Southwest

Appellant: **Glenn Cook**
P.O. Box 1659
Duvall, WA 98019
Telephone: (425) 788-3485

King County: Department of Development and Environmental Services
represented by **Sheryl Lux**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 205-1525
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Appeal denied

EXAMINER PROCEEDINGS:

Hearing Opened:	August 26, 2004
Hearing Closed:	August 26, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. Pursuant to complaint investigations that date back to March 1998, the King County Department of Development and Environmental Services, Code Enforcement Section, issued a notice and order on June 30, 2004, to Glenn Cook citing property located at 10009 – 25th Avenue Southwest for the placement of a single-family house and subsequent deck construction without necessary permits. Staff notes that a foundation permit was issued in 1999 on the property for a garage and a third residential dwelling cannot be placed on the site without its further subdivision. A timely appeal of the notice and order has been filed by Mr. Cook.
2. Mr. Cook was represented at the appeal hearing held August 26, 2004, by Andy Weiss. Mr. Weiss conceded that the structure moved onto the property had previously been used as a single-family residence but stated that Mr. Cook desires to convert it into a shop or a garage. In view of the elevation of the foundation placed beneath structure, its lack of vehicle doors or an access driveway, conversion of the building to shop use appears to be the more viable option. Mr. Weiss agreed that necessary permits for the change of use and to legalize the deck could be submitted within 60 days.

CONCLUSIONS:

1. The citations within the notice and order are supported by the evidence of record. The appeal must be denied.

DECISION:

The appeal is DENIED.

ORDER:

1. By October 29, 2004, the Appellant shall either submit a complete building permit application to change the use of the single-family residential building moved onto the site to a shop or a garage and for construction approval of the existing deck, or demolish such structures pursuant to a valid demolition permit.
2. No penalties shall be assessed against the Appellant or his property if the deadline stated above in condition no. 1 is met. If the deadline is not met, DDES may assess penalties against the Appellant and his property retroactive to the date of this order.

ORDERED this 27th day of August, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 27th day of August, 2004, via certified mail to the following:

Glenn Cook
PO Box 1659
Duvall WA 98019

TRANSMITTED this 27th day of August, 2004, to the following parties and interested persons of record:

Glenn Cook
PO Box 1659
Duvall WA 98019

Andy Weiss
25530 NE 138th Ct.
Duvall WA 98019

Suzanne Chan
DDES, Code Enf.
MS OAK-DE-0100

Elizabeth Deraitus
DDES/LUSD
Code Enf. Supvr.
MS OAK-DE-0100

Sheryl Lux
DDES/LUSD
Code Enforcement
MS OAK-DE-0100

Patricia Malone
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

Bill Turner
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE AUGUST 26, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300254.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Sheryl Lux, representing the Department; and Andy Weiss, representing the Appellant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES staff report for August 26, 2004
Exhibit No. 2	Copy of Notice and Order issued 6/30/04
Exhibit No. 3	Notice and Statement of Appeal received 7/19/04
Exhibit No. 4	Copies of codes cited in the Notice and Order
Exhibit No. 5	Copies of photographs (3, color) taken 5/22/04
Exhibit No. 6	Inspection log w/attached site plan